

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JANUARY 17, 2008

The Marlboro Township Council held its regularly scheduled meeting on January 17, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 18, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman La Rocca, Councilwoman Marder, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Jonathan L. Hornik, Jonathan L. Williams, Esq., Ron Gordon, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

The following Resolution #2008-39 (Commending Members of Marlboro Board of Education) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor. On behalf of Marlboro residents, Mayor Hornik commended and thanked the School Board members for their service to the Marlboro Township Board of Education, our community and its children. Council members also thanked the board members for their commitment and dedicated service to the Board of Education. Council President Cantor read into the record the resolution proclaiming January 2008 as School Board Recognition month. Superintendent Dr. David Abbott thanked Mayor Hornik and Council for recognizing the Board members for their hard work and dedication to the Marlboro Township Board of Education.

RESOLUTION # 2008-39

WHEREAS, New Jersey's public schools serve 1.4 million children from Pre-Kindergarten through 12th grade; and

WHEREAS, The direction of public education in New Jersey is charted locally by individual school boards, whose 4,800 members serve as advocates for public education as they work with administrators, teachers, parents and local residents; and

WHEREAS, Boards of Education provide accountability to the public, they communicate the needs of the school district to the community, and they convey to school administrators the public's expectations for the school district; and

WHEREAS, School board members receive no remuneration for their services; and

WHEREAS, The Mayor and Township Council of the Township of Marlboro are justly proud of the academic, athletic and social achievements of the students in our community; and

WHEREAS, The New Jersey School Boards Association has declared January 2008 to be School Board Recognition Month, a time that all residents might acknowledge the contributions made by our local school board members.

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and Township Council of the Township of Marlboro do hereby commend the service of the Marlboro Township Board of Education and its members to our community and its children; and

BE IT FURTHER RESOLVED, That the Mayor and Township Council of the Township of Marlboro proclaim January 2008 as SCHOOL BOARD RECOGNITION MONTH in Marlboro Township, and urges all citizens to join in recognizing the dedication of local school board members, past and present, as we work together to improve educational opportunities for our children.

Councilwoman Tragni moved that the minutes of December 6 and 17, 2007 be approved. This motion was seconded by Council Vice President Rosenthal and the minutes were passed on a roll call vote of 3 - 0 in favor with Councilman LaRocca and Councilwoman Marder abstaining.

The following Res. # 2008-40/Ord. # 2008-1 (Amend Chapter 4 - Honorary Deputy Mayors) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. Mayor Hornik explained the ordinance. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor. On behalf of Council, Council President Cantor commended Deputy Mayor Rosen and Deputy Mayor Shen for their hard work and dedication to the Township.

RESOLUTION # 2008-40

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE IV, "MAYOR" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ADDING A NEW SUB-SECTION 4-28.1, "HONORARY DEPUTY MAYOR" TO ESTABLISH THE POSITION OF HONORARY DEPUTY MAYORS WITHIN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on February 7, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-1

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE IV, "MAYOR" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ADDING A NEW SUB-SECTION 4-28.1, "HONORARY DEPUTY MAYOR" TO ESTABLISH THE POSITION OF HONORARY DEPUTY MAYORS WITHIN THE TOWNSHIP OF MARLBORO

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 4, Administration of Government, Article IV, Mayor, of the Code of the Township of Marlboro be and is hereby amended and supplemented by adding a new Sub-Section 4-28.1 entitled, Honorary Deputy Mayors, to establish the position of Honorary Deputy Mayor as follows:

§ 4-28.1. Honorary Deputy Mayors

There shall hereby be established the position of Honorary Deputy Mayor, to assist the Mayor by attending meetings as the Mayor's designee or representative and to perform such other functions as may be directed by the Mayor. It is further established that there may be a total of up to three (3) Honorary Deputy Mayors appointed, such appointments to be made by the Mayor, at his or her discretion.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council President Cantor recused himself from the dais for the following discussions: Res. #2008-41 (Authorizing Increase in LOSAP) and Res. #2008-58/Ord. #2008-2 (Amend Chapter 21 - LOSAP) and Council Vice President Steve Rosenthal chaired the meeting for those items.

The following Res. # 2008-41 (Authorizing Increase in LOSAP) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman La Rocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-41

A RESOLUTION ESTABLISHING AN INCREASE IN THE LENGTH OF
SERVICE AWARD CONTRIBUTION FOR THE YEAR 2008

WHEREAS, a Length of Service Awards Program ("LOSAP") was established in the Township of Marlboro by Chapter 21 "Length of

Service Awards Program", of the Code of the Township of Marlboro;
and

WHEREAS, pursuant to Sub-Section 21-3(c) of the Code of the Township of Marlboro, the annual contribution to be made by the Township for each active volunteer member under LOSAP shall be subject to periodic increases based upon the consumer price index factor, pursuant to the requirements set forth in of N.J.S.A. 40A:14-185(f); and

WHEREAS, the Township Council of the Township of Marlboro desires to establish the increased annual contributions made under LOSAP for the year 2008.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the LOSAP annual contribution for the year 2008 shall be increased from \$1,150.00 to \$1,187.95, reflecting a 3.3% increase for the next twelve (12) months, for all items, such amount being based upon the application of the "Revised Consumer's Price Index - All Items, Philadelphia Area (1967-100)" published by the Bureau of Labor Statistics of the United States Department of Labor, effective as of October 1, 2007.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Township Chief Financial Officer

The following Res. # 2008-58/Ord. # 2008-2 (Amend Chapter 21 - LOSAP) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-58

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-2

AN ORDINANCE AMENDING AND SUPPLEMENTING PART I, "ADMINISTRATIVE LEGISLATION", CHAPTER 21, "LENGTH OF SERVICE AWARDS PROGRAM", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY AMENDING SECTION 21-3, "GENERAL REQUIREMENTS", SUB-SECTION 21-3(C), "PERIODIC INCREASES" TO ESTABLISH THAT INCREASES OF THE FIXED ANNUAL CONTRIBUTION SHALL BE MADE ON AN ANNUAL BASIS AND TO RE-NAME SUCH SUB-SECTION "ANNUAL INCREASES"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on February 7, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-2

AN ORDINANCE AMENDING AND SUPPLEMENTING PART I, "ADMINISTRATIVE LEGISLATION", CHAPTER 21, "LENGTH OF SERVICE AWARDS PROGRAM", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY AMENDING SECTION 21-3, "GENERAL REQUIREMENTS", SUB-SECTION 21-3(C), "PERIODIC INCREASES" TO ESTABLISH THAT INCREASES OF THE FIXED ANNUAL CONTRIBUTION SHALL BE MADE ON AN ANNUAL BASIS AND TO RE-NAME SUCH SUB-SECTION "ANNUAL INCREASES"

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Part I, "Administrative Legislation", Chapter 21 "Length of Service Awards Program", Section 21-3 "General Requirements", Sub-Section 21-3(C) "Periodic Increases" of the Code of the Township of Marlboro, be and is hereby amended and supplemented to establish that increases in the fixed annual contribution be made on an annual basis and to re-name such Sub-Section 23-3(C) "Annual Increases" as follows:

§21-3. General Requirements:

- C. Annual Increases. Notwithstanding the provisions of Subsection A above, the annual contribution to be made by the Township for each active volunteer member shall be subject to annual increases based upon the consumer price index factor pursuant to

Subsection F of Section 3 of P.L. 1997, c. 388
(N.J.S.A. 40A:14-185).

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2008-42 (Authorizing Transfer of Historically Significant Records to Monmouth County Archives for Preservation) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. Municipal Clerk Alida Manco gave background and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

RESOLUTION # 2008-42

WHEREAS, the MONMOUTH COUNTY ARCHIVES is a department within the office of the Monmouth County Clerk in the State of New Jersey, having its principal office at 125 Symmes Drive, Manalapan, N.J. 07726; and

WHEREAS, said institution was established for the purpose of perpetuating knowledge of, and encouraging public interest in, the history of the TOWNSHIP OF MARLBORO, and to acquire and preserve materials and information relevant to the social, economic and political history of the TOWNSHIP OF MARLBORO; and

WHEREAS, it has been recommended to the TOWNSHIP OF MARLBORO that it would be to the mutual advantage of the TOWNSHIP OF MARLBORO and the MONMOUTH COUNTY ARCHIVES to enter into a deposit agreement providing for the transfer of physical custody, but not the legal custody, of certain historical public

records to the MONMOUTH COUNTY ARCHIVES, to be kept and maintained by the Society; and

WHEREAS, the TOWNSHIP OF MARLBORO has considered said recommendation and is of the opinion that such transfer of said public records, reserving to the TOWNSHIP OF MARLBORO the right to recall said public records, would be beneficial to the residents of the TOWNSHIP OF MARLBORO and other persons interested in the history of the TOWNSHIP OF MARLBORO; and

WHEREAS, the New Jersey Administrative Code, at 15:3-6.3(e)(3), provides that historically significant public records may be deposited in another institution with the approval of the Division of Archives and Records Management, Department of State; and

WHEREAS, it appears that the MONMOUTH COUNTY ARCHIVES is able to provide sufficient storage space, environmental controls, and security for the preservation of said public records during its regular business hours; and

WHEREAS, the MONMOUTH COUNTY ARCHIVES has requested physical custody of said public records, and desires to enter into a deposit agreement with the TOWNSHIP OF MARLBORO stating the terms and conditions of the transfer of custody:

NOW, THEREFORE, BE IT RESOLVED by the TOWNSHIP OF MARLBORO that the physical custody, but not legal custody, of the historical public records listed in Exhibit 1 of the proposed deposit agreement as attached, and/or any future additions or corrections made to this list under the terms of the said deposit agreement, shall be transferred to the MONMOUTH COUNTY ARCHIVES; and that the said records shall be maintained and made publicly accessible by said institution in its facilities for a period of 3 (three) years; and that the deposit agreement containing the specific terms and conditions of this transfer be executed by authorized officials of both the TOWNSHIP OF MARLBORO and the MONMOUTH COUNTY ARCHIVES and made part of the official minutes of the governing body of the TOWNSHIP OF MARLBORO.

The following Res. # 2008-43 (Authorizing Amendment to Contract - Arcari & Iovino - Addition to Police and Building Dept.) was introduced by reference, offered by Councilwoman Tragni and, seconded by Council Vice President Rosenthal. Discussion

followed, during which Public Works Director Robert DiMarco and Architect Anthony Iovino answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-43

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN ARCARI & IOVINO ARCHITECTS, P.C. AND THE TOWNSHIP OF MARLBORO FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE CONSTRUCTION OF AN ADDITION TO THE POLICE AND BUILDING DEPARTMENTS

WHEREAS, the Township of Marlboro was in need of professional architectural services in connection with the construction of an addition to the Police and Building Departments and the Township requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Township Council adopted Resolution #2006-154 authorizing the Township of Marlboro to enter into a contract with Arcari & Iovino Architects, P.C. to provide the aforementioned professional architectural services for an amount not to exceed \$65,000.00 and the Chief Financial Officer certified in writing that the value of the contract exceeded \$17,500.00; and

WHEREAS, by Resolution #2006-313 the Township of Marlboro authorized Change Order #1 in the amount of \$3,500.00 and by Resolution #2006-406 authorized Change Order #2 in the amount of \$8,250.00 thereby increasing the total amount of the contract to \$76,750.00; and

WHEREAS, Arcari & Iovino Architects, P.C. has performed and will continue to perform professional architectural services in connection with the construction of an addition to the Police and Building Departments in the Township of Marlboro and it is necessary to amend the original contract between Arcari & Iovino Architects, P.C. and the Township of Marlboro from \$65,000.00 to \$86,750.00 in order to incorporate the Change Orders that were approved by the Township Council and to provide for additional compensation of \$10,000.00 to Arcari & Iovino Architects, P.C. for past and future services ; and

WHEREAS, the Township Council has deemed it necessary and in the best interests of the municipality to amend the contract between Arcari & Iovino Architects, P.C. and the Township of Marlboro to provide compensation for professional architectural services in

connection with the construction of an addition to the Police and Building Departments in the Township of Marlboro.

WHEREAS, Arcari & Iovino Architects, P.C. has previously completed and submitted a Business Entity Disclosure Certification which certifies that no principal of Arcari & Iovino Architects, P.C. has made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year that would violate N.J.S.A. 19:44A-20.5, and that the contract will prohibit Arcari & Iovino Architects, P.C. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to sign an amended contract between Arcari & Iovino Architects, P.C. and the Township of Marlboro for the provision of compensation for professional architectural services in connection with the construction of an addition to the Police and Building Departments in the Township of Marlboro and to provide compensation in an amount not to exceed \$86,750.00 and that such amendment shall be in a form legally acceptable to the Township Attorney; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-943-911; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Arcari & Iovino Architects, P.C.
- b. Township Public Works Department
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-44 (Change Order #3 - Improvements to Robertsville Road - Lucas Brothers) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-44

A RESOLUTION AUTHORIZING AND APPROVING A CHANGE ORDER
AMENDING THE ORIGINAL CONTRACT BETWEEN THE TOWNSHIP OF
MARLBORO AND LUCAS BROTHERS, INC. FOR THE IMPROVEMENTS TO
ROBERTSVILLE ROAD

WHEREAS, by Resolution #2006-388 the Township of Marlboro awarded a goods and services contract to Lucas Brothers, Inc. of Morganville, New Jersey for the provision of improvements to Robertsville Road (the "Project") for the Marlboro Township Engineering Department for a total contract amount of \$174,825.00 (the "Contract"); and

WHEREAS, by Resolution #2007-346, the Township of Marlboro authorized Change Order #1 for an increase in the amount of \$9,570.00; and

WHEREAS, by Resolution #2007-365, the Township of Marlboro authorized Change Order #2 wherein Lucas Brothers, Inc. was required to provide additional services in the amount of \$9,805.00 and supplemental items in the amount of \$44,475.00 for a total cost of \$54,280.00, with a reduction of the quantity of certain items for a total reduction of \$31,875.00, resulting in a net increase of \$22,405.00, thereby increasing the total contract amount to \$206,800.00; and

WHEREAS, the Township Engineer has reviewed the Contract and the final as-built quantities of the additional improvements to be constructed for the Project, and has advised the Township Council that such additional improvements, in the amount of \$11,052.00, are required in order to complete the Project; and

WHEREAS, Lucas Brothers, Inc. are further required to decrease the quantity of certain items for a total reduction of \$15,274.50; and

WHEREAS, pursuant to *N.J.A.C. 5:30-11.1 et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount can be authorized by the governing body without additional bidding therefor.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute Change Order #3 Final to the

Contract between the Township of Marlboro and Lucas Brothers, Inc. of Morganville, New Jersey, decreasing the total contract amount from \$206,800.00 pursuant to Change Order #2 as authorized by Resolution #2007-365 to \$202,577.50; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Brothers, Inc.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-45 (Bond Release Jireh Church/Overseas Chinese Mission Site Plan) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. CME Engineer Greg Valesi was present and answered Council's questions. After discussion, the Resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-45

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR
OVERSEAS CHINESE MISSION - JIREH CHURCH, INC., 55 VANDERBURG ROAD,
BLOCK 214.07, LOTS 60 AND 61, TOWNSHIP OF MARLBORO, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53 et seq., the Township of Marlboro has received a request for the release of a Letter of Credit in the amount of \$380,000.00 and Cash Bond in the amount of \$40,000.00 being held by the Township to guarantee site improvements on the property known as 55 Vanderburg Road, Block 214.07, Lots 60 and 61, Township of Marlboro, County of Monmouth, State of New Jersey (the "Property") owned by Overseas Chinese Mission - Jireh Church, Inc.; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 7, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends the release of the Letter of Credit in the amount of \$380,000.00 and Cash Bond in the amount of \$40,000.00 being held by the Township and the posting of a maintenance guarantee in the amount of \$63,000.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Guarantees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Letter of Credit in the amount of \$380,000.00 and Cash Bond in the amount of \$40,000.00 posted for the Property shall be released in their entirety and a maintenance guarantee be posted in the amount of \$63,000.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Overseas Chinese Mission - Jireh Church, Inc.
- b. PNC Bank
- c. Township Engineer
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-46 (Release of Cash Bond Guaranteeing Tree Replacement Volovnik Property - B. 282, L. 5.02) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Marder. CME Engineer Greg Valesi was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-46

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR
MICHAEL VOLOVNIK, 15 HAWKINS ROAD, BLOCK 282, LOT 5.02, TOWNSHIP
OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53 et seq.*, the Township of Marlboro has received a request for the release of a Cash Bond in the amount of \$2,400.00 being held by the Township to guarantee tree replacement on the property known as 15 Hawkins Road, Block 282, Lot 5.02, Township of Marlboro, County of Monmouth, State of New Jersey (the "Property") owned by Michael Volovnik; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 7, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends the release of the Cash Bond in the amount of \$2,400.00 being held by the Township; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond in the amount of \$2,400.00 posted for the Property shall be released in its entirety.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Michael Volovnik
- b. Township Engineer
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-47 (Authorizing Hauling Type 13 Bulky Waste) was introduced by reference, offered by Councilman La Rocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-47

A RESOLUTION AUTHORIZING THE HAULING OF TYPE 13 BULKY
WASTE TO MAZZA & SONS FOR DISPOSAL

WHEREAS, the Township of Marlboro is currently charged a fee of \$104.00 per ton by Monmouth County for disposal of the Township's Type 13 Bulky Waste hauled from the Marlboro Recycling Center to the Monmouth County Facility; and

WHEREAS, as of February 4, 2008, the Marlboro Township DPW plans to haul Type 13 Bulky Waste from the Township's Recycling Center to Mazza & Sons for a disposal fee of \$86.00 per ton, representing a savings of \$18.00 per ton for an amount not to exceed \$8,600; and

WHEREAS, the Mayor and Town Council are in favor of using Mazza & Sons for disposal of such bulky waste due to its cost effectiveness.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Marlboro Township Department of Public Works shall, as of February 4, 2008, be authorized to haul Type 13 Bulky Waste from the Township's Recycling Center to Mazza & Sons for disposal, for the current fee of \$86.00 per ton of bulky waste.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mazza & Sons
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor: Res. #2008-48 (Authorizing Purchase Office Supplies State Contract), Res. #2008-49 (Reject and Rebid - HVAC Library), Res. #2008-50 (Authorization to Bid - Bulk Disposal), Res. #2008-51 (Refund for Duplicate Payment B. 109 L. 2, Res. #2008-52 (Refund Mon. County Judgement B. 193.15, L. 35, Res. #2008-53 (Refund Sewer charges to WMUA - Various), Res. #2008-54 (Veteran Deductions - Various), Res. #2008-55 (Cancelling Taxes Township Property B. 392, L. 28.10 and Res. #2008-56 (Raffle License Marlboro Educational Foundation).

RESOLUTION # 2008-48

RESOLUTION AUTHORIZING THE PURCHASE OF OFFICE SUPPLIES FOR THE TOWNSHIP OF MARLBORO STATE CONTRACT #A59767

WHEREAS, the Marlboro Township Administration Department has recommended that the Township purchase office supplies from W.B. Mason Company, Inc., 535 Secaucus Road, Secaucus, NJ 07094 under State Contract #A59767 not to exceed \$15,000; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide office supplies to the Township of Marlboro; and

WHEREAS, funds are available in various accounts listed below for a combined amount not to exceed \$15,000 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available from the following account numbers:

- | | | | | |
|----------------------|---|----------|----------|-----------|
| 1) Administration | - | 8-01- | -030-209 | (\$9,000) |
| 2) Police Department | - | 8-01- | -106-205 | (\$1,200) |
| 3) Traffic & Safety | - | 8-01- | -107-205 | (\$500) |
| 4) Building | - | T-23-56- | 850-845 | (\$4,300) |

WHEREAS, the Township Council desires to approve the purchase of said office supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase office supplies from W.B. Mason Company, Inc., 535 Secaucus Road, Secaucus, NJ 07094 under State Contract #A59767 not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a W.B. Mason Co., Inc., Cranbury, NJ
- b Township Administrator
- c. Township Departments
- d. Township Chief Financial Officer
- e. Jonathan L. Williams, Esq.

RESOLUTION # 2008-49

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Air Handling Unit - Marlboro Library

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Air Handling Unit - Marlboro Library

as required by law.

RESOLUTION # 2008-50

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Bulk Disposal

RESOLUTION # 2008-51

WHEREAS, a duplicate payment of 2007 fourth quarter taxes has been received from First American Real Estate Tax Service in the amount of \$287.52, for Block 109 Lot 2, located at 170 Texas Road, assessed to Amal & Ashraf Elaraky,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$287.52 to First American Real Estate Tax Service.

RESOLUTION # 2008-52

WHEREAS, the Monmouth County Board of Taxation has granted judgments for 2006 and 2007 Added Assessments as per the attached Schedule "A",

WHEREAS, taxes for the year 2006 and 2007 have been paid in full, the Tax Collector is directed to refund the amount of \$905.82 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$905.82 as noted above.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNERS</u>	<u>2006 REFUND</u>	<u>2007 REFUND</u>
193.15/35 153 Scarborough Way	Harold & Ellen Jane Zelevansky 153 Scarborough Way Marlboro, NJ 07746	\$127.78	\$778.04
		TOTAL:	\$905.82

RESOLUTION # 2008-53

WHEREAS, current sewer charges totaling \$470.73 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$470.73 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#07-33 3 Bruce Road	262/14	Crusader Lien Services	\$238.86
TSC#07-37 6 Dickson Road	352/9	Crusader Lien Services	114.26
TSC#07-41 39 Kingfisher Court	412/240	Crusader Lien Services	117.61
TOTAL:			<u>\$470.73</u>

RESOLUTION # 2008-54

WHEREAS, Veteran deductions totaling \$1,250.00 have been granted as per the attached Schedule "A" for the year 2007,

WHEREAS, taxes for the year 2007 have been paid in full on the above-referenced block & lots,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
173 382 Hampton Pl.	7 C0382	Anthony & Ingrid DiFazio 382 Hampton Place Morganville, NJ 07751	\$250.00
193.12 221 Everton Blvd.	2	Robert & Mary Lou Hartman 221 Everton Blvd. Marlboro, NJ 07746	250.00
288 435 Bayberry Ct.	29 C0435	Arthur Fuscaldo 435 Bayberry Court Englishtown, NJ 07726	250.00
379 45 Clubhouse Lane	11	Mallotides Premises Trust 45 Clubhouse Lane Marlboro, NJ 07746	250.00
381 3 Dundee Court	14	Oscar & Louise Leight (Trust) 3 Dundee Court Marlboro, NJ 07746	250.00
TOTAL:			<u>\$1,250.00</u>

RESOLUTION # 2008-55

WHEREAS, there are taxes for the year 2007 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 392 Lot 28.10, located on Molly Pitcher Road,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2007 taxes totaling \$70.58 as stated above.

RESOLUTION # 2008-56

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 01-08 (On Premise 50/50 Cash) be and it is hereby granted to Marlboro Educational Foundation, 1980 Township Drive, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on February 11, 2008 from 7 - 11 PM at 184 U. S. Hwy. 9, Marlboro, NJ 07746.

Regarding Item #20 (DISCUSSION - Amendment to Sign Ordinance) - There was a brief discussion between Mayor Hornik, Council members and the legal department. Ron Gordon, Esq. explained the proposed amendments. The legal dept. will continue working on the ordinance, and this item will be placed on the February 17th agenda for further discussion.

Regarding Item #21 (DISCUSSION) - Amendment to Ordinance for Escrow Fees) - Mayor Hornik and Ron Gordon, Esq. explained that this amendment is necessary so that taxpayers do not bear the additional cost. Consensus of Council was to place this on the February 7th agenda for First Reading.

At 10:31PM, Councilwoman Tragni moved that the meeting go into executive session for reason of discussing litigation and contract negotiations. This was seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-57

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 17th day of January, 2008 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation and potential property acquisition.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 20 minutes. Those items

discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:10PM, Councilman LaRocca moved that the meeting be opened. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

Council had a brief discussion on open space grants and other issues relating to the purchase of the McCarron property. Council Vice President Steve Rosenthal will work on this issue with the legal dept.

Council agreed on naming several liaisons and will take action on such resolution at the next meeting.

At 11:20PM, Council Vice President Rosenthal moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: February 21, 2008

OFFERED BY: Rosenthal

AYES: 4

SECONDED BY: Tragni

NAYS: 0

ABSENT: Marder

ALIDA MANCO
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL PRESIDENT